

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RYAN REISS and)
SHAWN REISS,)
Plaintiffs,)
vs.) Case No. 3:18-cv-183
LIFE INSURANCE COMPANY OF)
NORTH AMERICA, a CIGNA Company,)
QUEST DIAGNOSTICS, INC. and)
EMMITT TINER,)
Defendants.)

**FIRST AMENDED COMPLAINT TO RECOVER PROCEEDS OF
LIFE INSURANCE POLICY**

COUNT I

(Breach of Contract)

COME NOW Ryan Reiss and Shawn Reiss, by and through their attorney, James Richard Myers of Law Group of Illinois Ltd., and for Count I of their First Amended Complaint to Recover Proceeds of Life Insurance Policy (Breach of Contract), brought against the Defendants identified above, allege as follows:

1. Quest Diagnostics, Inc. is a Delaware Corporation that offers Group Term Life Insurance to some or all of its employees.
2. The Group Term Life Insurance offered by Quest Diagnostics, Inc. to some or all of its employees was issued by Life Insurance Company of North America and is known as Policy No. FLX-980057. A true and correct copy of the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057 is attached hereto as Exhibit A.

3. Brenda Sue Reiss was an employee of Quest Diagnostics, Inc. and, during her term of employment, Brenda Sue Reiss availed herself of the corporation's Group Term Life Insurance.

4. Brenda Sue Reiss is deceased, and her death triggers the payment of the death benefit of Life Insurance Company of North America Policy No. FLX-980057 to the beneficiaries named by Brenda Sue Reiss.

5. On July 17, 2012, Brenda Sue Reiss executed and submitted to Quest Diagnostics, Inc. (in compliance with the terms and conditions contained within the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057) a Life Insurance Beneficiary Form naming her sons, Ryan Reiss and Shawn Reiss as the primary beneficiaries under Life Insurance Company of North America Policy No. FLX-980057. A true and correct copy of said Life Insurance Beneficiary Form is attached hereto as Exhibit B.

6. Pursuant to the July 17, 2012 Life Insurance Beneficiary Form, Ryan Reiss and Shawn Reiss are collectively entitled to receive the death benefit of Life Insurance Company of North America Policy No. FLX-980057, amounting to at least \$300,000.00.

7. On or about October 3, 2016, Brenda Sue Reiss purportedly submitted to Quest Diagnostics, Inc. a "2016 Enrollment Change Form" (a true and correct copy of which is attached hereto as Exhibit C) which states "Add names and % of insurance" "Emitt Tiner 100%".

8. The “2016 Enrollment Change Form” does not comply with the terms and conditions set forth in the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057 and is therefore void and of no effect.

9. Specifically, the “2016 Enrollment Change Form” does not comply with the terms and conditions set forth in the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-98005 for the following reasons:

- a. The Group Life Insurance Certificate for the policy (Exhibit A) states that “You may change your beneficiary at any time by giving written notice to the Employer or to us.”
- b. The Group Life Insurance Certificate for the policy (Exhibit A) states that “No change in beneficiary will take effect until the form is received by the employer or us.”
- c. The form establishing Shawn Reiss and Ryan Reiss as beneficiaries (Exhibit B) clearly states that they are being named as beneficiaries and contains relevant information to that designation, including their addresses, social security numbers and relationships to the insured.
- d. The only “form” received by anyone requesting a change to this beneficiary designation is the “2016 Enrollment Change Form” (Exhibit C).
- e. The word “beneficiary” does not appear on the “2016 Enrollment Change Form” (Exhibit C) at all, anywhere.

f. The “2016 Enrollment Change Form” (Exhibit C) does not contain information commonly required of a beneficiary, including their address, social security number and relationship to the insured.

g. All that appears on the “2016 Enrollment Change Form” (Exhibit C) is the words, written on in pen or marker, “Add names and % of insurance” and “Emitt Tiner 100%”.

WHEREFORE, Ryan Reiss and Shawn Reiss pray that this Honorable Court enter an Order:

A. Declaring that they and they alone are entitled to the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss;

B. Requiring that Life Insurance Company of North America and/or Quest Diagnostics, Inc. pay the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss (an amount not less than \$300,000.00) over to them in a short time certain; and

C. Any other and such relief as is deemed just and proper.

COUNT II
(Incompetence)

COME NOW Ryan Reiss and Shawn Reiss, by and through their attorney, James Richard Myers of Law Group of Illinois Ltd., and for Count II of their First Amended Complaint to Recover Proceeds of Life Insurance Policy (Incompetence), brought against the Defendants identified above, allege as follows:

1. Quest Diagnostics, Inc. is a Delaware Corporation that offers Group Term Life Insurance to some or all of its employees.
2. The Group Term Life Insurance offered by Quest Diagnostics, Inc. to some or all of its employees was issued by Life Insurance Company of North America and is known as Policy No. FLX-980057. A true and correct copy of the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057 is attached hereto as Exhibit A.
3. Brenda Sue Reiss was an employee of Quest Diagnostics, Inc. and, during her term of employment, Brenda Sue Reiss availed herself of the corporation's Group Term Life Insurance.
4. Brenda Sue Reiss is deceased, and her death triggers the payment of the death benefit of Life Insurance Company of North America Policy No. FLX-980057 to the beneficiaries named by Brenda Sue Reiss.
5. On July 17, 2012, Brenda Sue Reiss executed and submitted to Quest Diagnostics, Inc. (in compliance with the terms and conditions contained within the Group Insurance Certificate issued by Life Insurance Company of North America for

Policy No. FLX-980057) a Life Insurance Beneficiary Form naming her sons, Ryan Reiss and Shawn Reiss as the primary beneficiaries under Life Insurance Company of North America Policy No. FLX-980057. A true and correct copy of said Life Insurance Beneficiary Form is attached hereto as Exhibit B.

6. Pursuant to the July 17, 2012 Life Insurance Beneficiary Form, Ryan Reiss and Shawn Reiss are collectively entitled to receive the death benefit of Life Insurance Company of North America Policy No. FLX-980057, amounting to at least \$300,000.00.

7. On or about October 3, 2016, Brenda Sue Reiss purportedly submitted to Quest Diagnostics, Inc. a “2016 Enrollment Change Form” (a true and correct copy of which is attached hereto as Exhibit C) which states “Add names and % of insurance” “Emitt Tiner 100%”.

8. At the time the “2016 Enrollment Change Form” was purportedly executed by Brenda Sue Reiss, she was of unsound mind and memory, did not have the mental capacity or ability to know the nature or extent of her property, the natural objects of her bounty, or the disposition she wished to make of said property according to a plan formed by her, or was otherwise incompetent, and the “2016 Enrollment Change Form” is therefore void and of no effect.

WHEREFORE, Ryan Reiss and Shawn Reiss pray that this Honorable Court enter an Order:

A. Declaring that they and they alone are entitled to the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss;

B. Requiring that Life Insurance Company of North America and/or Quest Diagnostics, Inc. pay the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss (an amount not less than \$300,000.00) over to them in a short time certain; and

C. Any other and such relief as is deemed just and proper.

COUNT III
(Undue Influence)

COMES NOW Ryan Reiss and Shawn Reiss, by and through their attorney, James Richard Myers of Law Group of Illinois Ltd., and for Count III of their First Amended Complaint to Recover Proceeds of Life Insurance Policy (Undue Influence), brought against the Defendants identified above, allege as follows:

1. Quest Diagnostics, Inc. is a Delaware Corporation that offers Group Term Life Insurance to some or all of its employees.
2. The Group Term Life Insurance offered by Quest Diagnostics, Inc. to some or all of its employees was issued by Life Insurance Company of North America and is known as Policy No. FLX-980057. A true and correct copy of the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057 is attached hereto as Exhibit A.
3. Brenda Sue Reiss was an employee of Quest Diagnostics, Inc. and, during her term of employment, Brenda Sue Reiss availed herself of the corporation's Group Term Life Insurance.

4. Brenda Sue Reiss is deceased, and her death triggers the payment of the death benefit of Life Insurance Company of North America Policy No. FLX-980057 to the beneficiaries named by Brenda Sue Reiss.

5. On July 17, 2012, Brenda Sue Reiss executed and submitted to Quest Diagnostics, Inc. (in compliance with the terms and conditions contained within the Group Insurance Certificate issued by Life Insurance Company of North America for Policy No. FLX-980057) a Life Insurance Beneficiary Form naming her sons, Ryan Reiss and Shawn Reiss as the primary beneficiaries under Life Insurance Company of North America Policy No. FLX-980057. A true and correct copy of said Life Insurance Beneficiary Form is attached hereto as Exhibit B.

6. Pursuant to the July 17, 2012 Life Insurance Beneficiary Form, Ryan Reiss and Shawn Reiss are collectively entitled to receive the death benefit of Life Insurance Company of North America Policy No. FLX-980057, amounting to at least \$300,000.00.

7. On or about October 3, 2016, Brenda Sue Reiss purportedly submitted to Quest Diagnostics, Inc. a “2016 Enrollment Change Form” (a true and correct copy of which is attached hereto as Exhibit C) which states “Add names and % of insurance” “Emitt Tiner 100%”.

8. At the time the “2016 Enrollment Change Form” was purportedly executed by Brenda Sue Reiss, she was dependent upon the Defendant, EMMITT TINER, and reposed such trust and confidence in him that he exercised dominance over her affairs.

9. From some time prior to the execution of the “2016 Enrollment Change Form” until the date of her death, the Defendant, EMMITT TINER, exercised such

control and authority over the business and personal affairs of Brenda Sue Reiss that a relationship of principal and agent arose of fact.

10. On information and belief, the Defendant, EMMITT TINER, prepared or caused or directed the preparation of the “2016 Enrollment Change Form”.

11. The Defendant, EMMITT TINER, stands to substantially gain from the “2016 Enrollment Change Form” in comparison to and at the expense of the Plaintiffs.

12. Based on the above, the “2016 Enrollment Change Form” is therefore void and of no effect.

WHEREFORE, Ryan Reiss and Shawn Reiss pray that this Honorable Court enter an Order:

A. Declaring that they and they alone are entitled to the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss;

B. Requiring that Life Insurance Company of North America and/or Quest Diagnostics, Inc. pay the death benefits of Life Insurance Company of North America Policy No. FLX-980057 due and payable on account of the death of Brenda Sue Reiss (an amount not less than \$300,000.00) over to them in a short time certain; and

C. Any other and such relief as is deemed just and proper.

RYAN REISS and
SHAWN REISS

BY:

James Richard Myers, their attorney

James Richard Myers
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **First Amended Complaint** was served upon the parties of record electronically through the CM/ECF system on September 30, 2019, including:

James M. Brodzik
Don R. Sampen
Brian J. Riordan
Daniel K. Ryan
P.K. Johnson V

Under penalties of perjury as provided by law, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct.

/s/ James Richard Myers
James Richard Myers

James Richard Myers
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